REMARKS

This paper is responsive to the non-final office action dated April 20, 2006. Claims 1-32 remain pending.

Claim Rejection Under 35 U.S.C. §112

Claim 30 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action alleges that the claimed feature of "wherein in the first configuration, the radio telephone is activated and is arranged to receive telephone calls" renders the claim indefinite. In particular, the Office Action suggests that the claim limitation is ambiguous as to whether the phone is activated and arranged to receive telephone calls in the first configuration or the second configuration. Applicant respectfully disagrees, claim 30 specifically recites, "wherein *in the first configuration*, the radio telephone is activated and is arranged to receive telephone calls." (emphasis added). Applicant submits that there is no indefiniteness or ambiguity with the above recited feature of claim 30. As such, claim 30 is allowable for at least this reason.

Claim Rejection Under 35 U.S.C. §102

Claims 1-5, 7, 9-14, 16, 18-21, 23-27 and 29-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Parker (U.S. Patent No. 6,124,799). This rejection is respectfully traversed for the following reasons.

Independent claims 1, 10 and 23 generally relate to, *inter alia*, a processor receiving a signal referencing stored identification data, wherein the signal changes a code for controlling the storage of identification data. Parker lacks any teaching or suggestion of such a feature. Parker discloses a method and system for locking and unlocking mobile handsets. Abstract. In particular, Parker's system provides a locking scheme in which information permanently programmed into a handset is utilized to create a modifiable checkword. Col. 6, ll. 37-51. At most, Parker discloses a handset computing a key, $k_{operator}$, which is used to produce a checkword that is subsequently used to validate a SIM associated with the handset. Col. 10, line 33 – Col. 11, line 16. If the checkword matches a codeword stores on the SIM, then the processor unlocks

or enables handset for "general use." Col. 11, ll. 8-11. Even so, Parker still does not teach or suggest receiving a signal that changes a code *for controlling the storage of identification data*. That is, while Parker discloses using a key for unlocking or enabling a handset for general use, Parker is devoid of any teaching or suggestion that the key (i.e., alleged code) is used for controlling the storage of identification data. For example, although Parker discloses International Mobile Subscriber Identification (IMSI) and network identification (NID) data, there is no teaching or suggestion that either the storage of the IMSI and/or NID data is controlled by $k_{operator}$. As such, claims 1, 10 and 23 are allowable for at least the foregoing reasons.

Independent claim 19 recites, *inter alia*, "entering a first code to enter a mode for programming the identification data." Parker does not teach or suggest such a feature. At best, Parker discloses that if re-locking were to be done, affected subscribed could be issued new SIMs having a revised NID and codeword. Col. 11, ll. 27-35. However, Parker fails to teach or suggest entry of a first code to enter a mode for programming the NID data or other identification data. In other words, Parker does not teach or suggest entering $k_{operator}$ or any other key to modify the NID or other identification data stored on the handset. Claim 19 is thus allowable for at least this reason.

Independent claim 25 recites, *inter alia*,

> "means, responsive to a received signal, for changing the configuration of the communication device from a first configuration to a second configuration, wherein in the first configuration a first code is required to program the identification data and in the second configuration a second code, different from the first code, is required to program the identification data."

As discussed with respect to claim 19, Parker discloses issuing revised NIDs and codewords if re-locking were to be done. However, there is no teaching or suggestion that issuing revised NIDs and/or codewords requires the entry of a first code or a second code, much less that a first code is required in a first configuration and that a second code, different from the first, is required in a second configuration. Again, Parker's use of keys, and in particular $k_{operator}$, is limited to enabling and/or unlocking a handset for "general use," not programming identification data in a particular configuration. Claim 25 is thus allowable for at least this reason.

Claims 2-5, 7, 9, 11-14, 16, 18, 20, 21, 24, 26, 27 and 29-32 are dependent on claims 1, 10, 19, 23 and 25, respectively, and are thus allowable for at least the same reasons as their base independent claim and further in view of the novel and non-obvious features recited therein.

Claim Rejection Under 35 U.S.C. §103

Claims 6, 8, 15, 17 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Parker. Specifically, the Office Action takes Official Notice of a random method of generating the first or second code. While reserving Applicant's right to argue the Office Action's use of the Official Notice, Applicant notes that the Official Notice does not cure the deficiencies of Parker discussed above. As such, claims 6, 8, 15, 17 and 22, which are dependent on claims 1, 10 and 19, are allowable for at least the same reasons as their base independent claims.

Claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Parker in view of Fielden (U.S. Patent No. 6,314,283). This rejection is respectfully traversed for the foregoing reasons.

Fielden generally relates to a system and method for providing a cellular subsidy lock that ensures that a cellular phone is only activated on a subsidizing carrier's network and not a competitor's network. Abstract. Fielden discloses that a carrier may generate an unlock code and/or a remove lock code using that particular carrier's subsidy lock algorithm prior to shipping the phone to an end user. Col. 3, line 62 – Col. 4, line 13. However, Fielden does not teach or suggest changing the lock code for controlling the storage of identification data (e.g., the NAM), as is recited in claims 1, 10, 10, 23 and 25. Contrary to the Office Action's assertions, there is no motivation to combine the teachings of Parker and Fielden in the manner suggested by the Office Action. While Parker discloses calculating a $k_{operator}$ key to unlock a handset for general use, there is no teaching or suggestion in Parker of controlling the storage of identification data using such a key. In addition, Fielden's unlock and/or remove lock code for controlling the entry of NAM data is derived entirely differently from Parker's determination of its $k_{operator}$ key. There is also no teaching or suggestion in Fielden to change the carrier specific code. For at least the foregoing reasons, one of ordinary skill would not have been motivated to combine the teachings

of Fielden and Parker in the manner suggested by the Office Action. Since claim 28 is dependent on claim 25, claim 28 is allowable for at least the same reasons as claim 25 and further in view of the novel and non-obvious features recited therein.

CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance. Reconsideration and prompt allowance are respectfully requested. If the Examiner has any questions, he is invited to contact the undersigned to further prosecution.

Respectfully submitted,

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